

Message Text

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TO AMEMBASSY BRUSSELS
INFO AMEMBASSY BONN
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AMEMBASSY LONDON
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USEEC ALSO EMBASSY FOR INFO.

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TAGS: ETRD, EEC

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SUBJECT: US-EC CONSULTATIONS ON THE FLORENCE AGREEMENT

1. IN TWO DAYS OF CONSULTATIONS JEAN-MARIE BADE, PRINCIPAL ADMINISTRATOR OF THE CUSTOMS UNION FOR THE EC COMMISSION, EXCHANGED INFORMATION AND VIEWS WITH REPRESENTATIVES FROM COMMERCE, STATE, STR, AND LABOR ON THE ADMINISTRATION OF ANNEX D OF THE FLORENCE AGREEMENT.

2. WHILE US ANNEX D PROCEDURES, ADMINISTERED BY THE COMMERCE DEPARTMENT'S OFFICE OF STATUTORY IMPORT PROGRAMS, ARE OPEN, WITH ALL DECISIONS MATTERS OF PUBLIC RECORD, THE COMMISSION HAS BEEN UNABLE TO WREST CONTROL OF THE ADMINISTRATION OF ANNEX D FROM THE MEMBER STATES, NOR HAS IT MANAGED TO IMPOSE UNIFORM PROCEDURES OR REQUIRE PUBLICATION OF DECISIONS. BADE ACKNOWLEDGED THAT EC PROGRESS IN HARMONIZING MEMBER STATE PROCEDURES HAD BEEN DISAPPOINTING, BUT ARGUED THAT THIS LACK OF UNIFORM PROCEDURES WAS NOT RESTRICTING US EXPORTS. HE EXPLAINED THAT IN HIS VIEW DIFFERENCE BETWEEN US AND EC APPROACH TO ANNEX D WAS ONE OF FORM RATHER THAN SUBSTANCE. BADE SAID THAT AT PRESENT THE COMMISSION HAS NEITHER THE ACQUIESCENCE OF THE MEMBER STATES, NOR THE FINANCIAL AND MANPOWER RESOURCES TO ADMINISTER THE AGREEMENT, AND THEREFORE HAS TO RELY ON THE MEMBER STATES.

3. BADE ADMITTED THAT PROCEDURES IN THE MEMBER STATES WERE NOT AS OPEN AS THOSE IN THE US BUT HE POINTED TO THE NEED TO EXAMINE THE RESULTS OBTAINED UNDER THE AGREEMENT RATHER THAN THE PROCEDURES THEMSELVES. BADE INDICATED THAT, WHILE THE US RELIES ON OPENNESS TO ACHIEVE FAIRNESS, THE COMMUNITY RELIES ON THE SELF INTEREST OF THE IMPORTERS AND MEMBER STATES WHO CAN APPEAL UNFAVORABLE DECISIONS TO LIMITED OFFICIAL USE

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THE COMMITTEE ON DUTY-FREE ARRANGEMENTS IN THE EC COMMISSION. (HE STATED THAT THERE HAD THUS FAR BEEN 28 SUCH APPEALS.) DECISIONS BY THE COMMITTEE ON DUTY-FREE ARRANGEMENTS ARE PUBLISHED IN THE OFFICIAL JOURNAL AND ARE SUBJECT TO REVIEW BY THE EC COURT OF JUSTICE. BADE SAID THAT IN AN IMPORTANT CASE LAST YEAR THE COURT OVERTURNED A COMMISSION RULING THAT A SCIENTIFIC INSTRUMENT MUST HAVE NO COMMERCIAL USE WHATEVER IN ORDER TO ENTER DUTY-FREE.

4. US SIDE OFFERED SUGGESTIONS REGARDING PROCEDURES THAT WOULD MAKE THE EC SYSTEM ROUGHLY EQUIVALENT TO THE US SYSTEM SHOULD THE COMMUNITY DRAFT A COMMUNITY-WIDE STANDARD. BADE SAID HE WOULD COMMUNICATE OUR INTEREST TO THE COMMISSION. TWO SIDES ALSO EXCHANGED DATA ON IMPORTATIONS UNDER ANNEX D. (FYI BADE EMPHASIZED THAT THE EC DATA WERE BEING OFFERED WITHOUT RPT WITHOUT THE KNOWLEDGE OF THE MEMBER STATES.)

5. THE CONSULTATIONS WERE CORDIAL AND CLARIFIED MANY TECHNICAL ASPECTS OF THE AGREEMENT. BOTH SIDES AGREED THAT PERIODIC CONSULTATIONS ON THE AGREEMENT WOULD BE USEFUL. CHRISTOPHER

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